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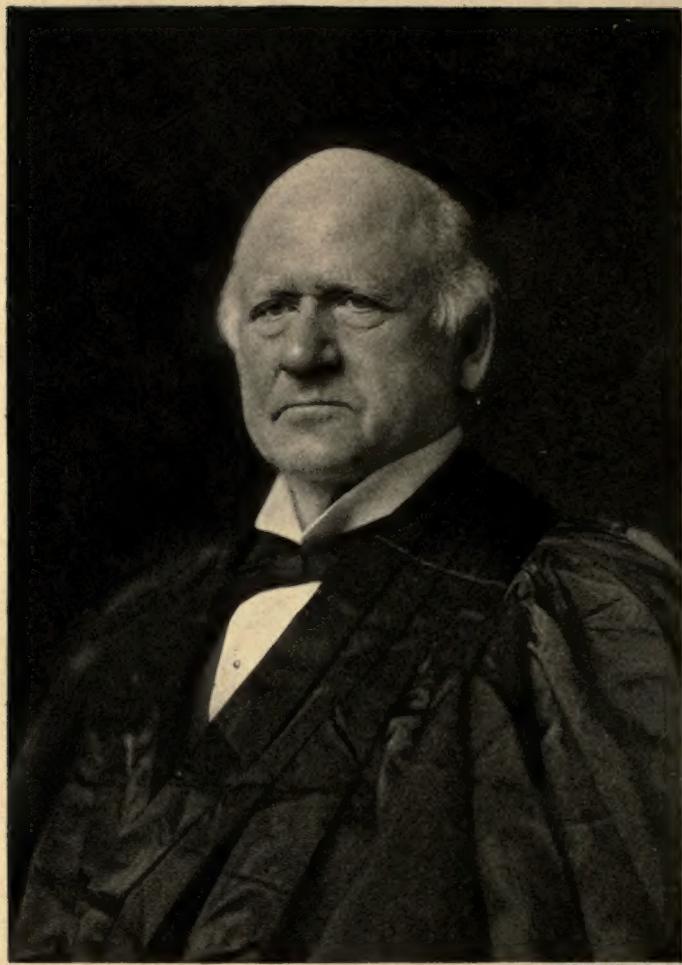


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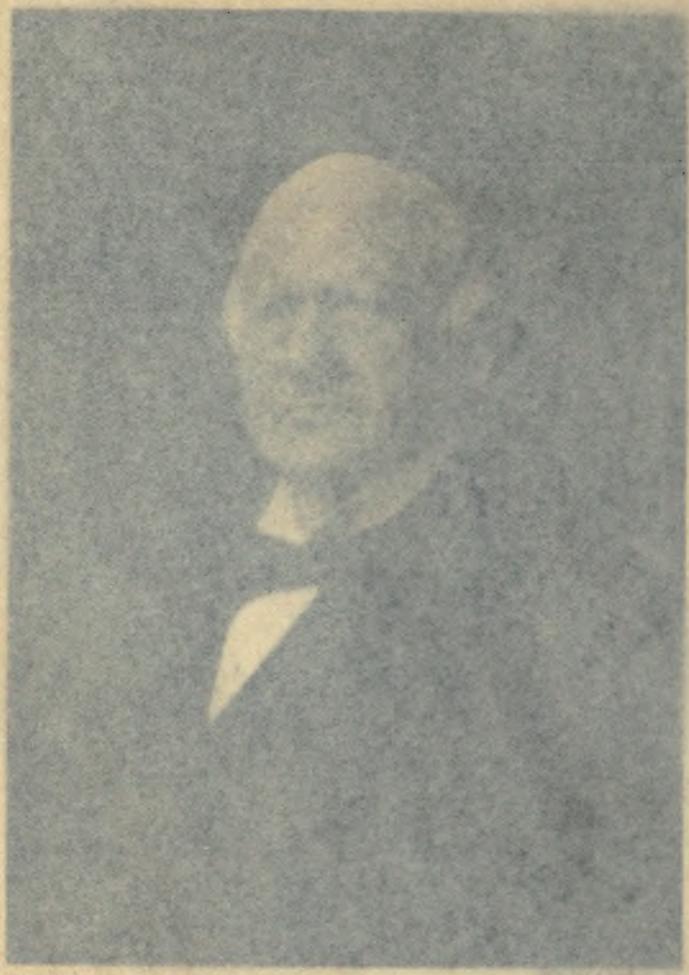
for the

Supreme Court of the United States

Mr. Justice John Marshall Harlan

in recognition of the compilation of notes for
use of the Supreme Court
in the South

1884



Dinner Given by the Bar

of the

Supreme Court of the United States

to

Mr. Justice John Marshall Harlan

In recognition of the completion of twenty-five
years of distinguished service
on the bench

December ninth

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Nineteen hundred and two

PRESS OF
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I N November, 1902, several lawyers, having in mind that Mr. Justice John Marshall Harlan would, on the tenth of December following, complete his twenty-fifth year of distinguished service on the Bench of the Supreme Court of the United States, met in the office of the Attorney-General, at Washington, to confer and arrange for some appropriate recognition by the Bar of this interesting event.

In order that opportunity might be given to as many of the Bar as possible to show their esteem for Mr. Justice Harlan, and their appreciation of the long and eminent services of the great jurist, it was determined that the proposed testimonial should take the form of a dinner, to be given at Washington, by the Bar of the Supreme Court. Accordingly an Executive Committee, with Dr. Charles W. Needham Chairman, was appointed to plan the entertainment and to carry out the details of arrangements agreed upon. This Committee immediately called upon Mr. Justice Harlan, and extended to him an invitation, which was cordially accepted, to be the guest of the Bar of the Supreme Court of the United States on the evening of December ninth, 1902.

The Committee on Invitation, consisting of representative lawyers from each Judicial Circuit of the United States, and of which Mr. Attorney-General Knox was Chairman and Mr. Secretary of War Root was Vice-Chairman, was appointed, and by this Committee the members of the Bar throughout the country were invited to join in the movement to honor Mr. Justice Harlan, and through this Committee also the President of the United States, members of his Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Judges of the Court of Appeals and the Supreme Court of the District of Columbia, the Judges of the Court of Claims, and other distinguished men, were invited to be present as the guests of the Bar on this occasion.

The efforts of the Committee in charge received enthusiastic support from the members of the Bar throughout the country. All were anxious to do honor to the able and upright Judge who for a quarter of a century, on the bench of the Supreme Court, has rendered splendid services to his country, has dignified his profession and added lustre to the highest judicial tribunal in the world.

On the evening of December ninth, 1902, over two hundred and forty members of the Bar, representing every section of the Union and nearly every State, together with the President of the United States and thirty other distinguished guests, were present at the New Willard to

pay a willing tribute of love and honor to Mr. Justice Harlan.

The event was so important, the expressions of esteem so felicitous, and the entertainment so enjoyable in every way, that there was a universal request, not only from those present at the dinner but from many who were unable to come, that a full account of the addresses and proceedings should be preserved in permanent form. The Executive Committee, therefore, issue this volume, and, on behalf of the Bar of the Supreme Court of the United States, dedicate it to John Marshall Harlan, who during a lifetime of useful and honorable achievement has won the admiration of his associates on the Bench, the confidence of the profession, and the gratitude of his countrymen.

CHARLES W. NEEDHAM, Chairman,
JOHN K. RICHARDS,
WILLIAM F. MATTINGLY,
JOSEPH K. McCAMMON,
NATHANIEL WILSON,
AUGUSTUS A. WORTHINGTON,
R. ROSS PERRY,
ASHLEY M. GOULD,
GEORGE E. HAMILTON,
ALDIS B. BROWNE,
FREDERIC D. MCKENNEY, Secretary,
Executive Committee.

In the unavoidable absence of Attorney-General Knox, ex-Attorney-General MacVeagh was requested by the Executive Committee to preside, and at the end of the dinner, calling the company to order, said:

In all assemblages of American gentlemen the first place belongs to the President of the United States, and I have the honor of presenting him to you.

President Roosevelt

spoke as follows:

Mr. Chairman and Gentlemen:

It is a peculiar privilege to be here to-night as one of those gathered to do homage to a career which has honored America. [Loud applause.] It is difficult to say certain of the truths which must needs be said without being guilty of truisms in saying them. It is not an idle boast of this country when we speak of the court upon which Mr. Justice Harlan sits as the most illustrious and important court in all the civilized world. [Applause.] It is not merely our own people who say that—it is the verdict of other nations as well.

Mr. Justice Harlan has served for a quarter of a century on that Court. During that time he has exercised an influence over the judicial statesmanship of the country of a kind such as is possible only under our own form of government. [Applause.] For the Judges of the Supreme Court of the land must be not only great jurists, but they must be great constructive statesmen. [Applause.] And the truth of what I say is illustrated by every study of American statesmanship, for in not one serious study of American political life will it be possible to omit the immense part played by the Supreme Court in the creation, not merely the modification, of the great policies through and by means of which the country has moved on to its present position. [Applause.]

Thrice fortunate is the Court when it has as one of its members a man who has played a great part in other spheres of our composite national life. Mr. Justice Harlan came from Kentucky [applause], a State in which the patriotism of the people was put to so peculiarly a severe test in the Civil War. In the States of the farther North it was easy for the man to make up his mind on which side he would unsheathe his sword. In the States of the farther South it was equally easy. In Kentucky the task was a difficult one. I remember, Mr. Justice, being told by a Kentuckian, who was a staunch friend of yours and one of the greatest lawyers and most patriotic citizens whom this country had—John Mason Brown—that he

came back from a trip to the West as a young man of twenty-one, just at the time of the outbreak of the civil war, just after Sumter had been fired upon, and his mother brought down to him the sword that his father had carried in the Mexican war, and said to him:

"My son, this is the sword your father carried. I hope you will draw it on the side that defends the flag for which your father fought, but, for one side or the other, draw it you must." [Great applause.]

In any audience in any State of the Union, take it as far north as you wish, I can appeal with confidence to the people I address when I say that next to the homage we pay to the men who proved the truth of their endeavor as they battled in the blue uniform is the homage we pay to the men who, with equal sincerity, with equal devotion to the right as it was given them to see the right, wore the gray. [Loud and continuous applause.] And none pay that tribute of regard so frankly as those who themselves wore the blue in battle. [Loud applause.]

And having said that, I am sure that none of my friends who fought in the Confederate service will misunderstand me or will grudge what I am about to say when I say that the greatest debt owed by this country to any set of men is owed by it to those men of the so-called border States—the men who in statesmanship followed Clay and the Crittendens and the

Blairs; the men who as soldiers fought on the same side with Thomas and Farragut; the men who were for the Union, without regard to whether their immediate associates were for it or not. [Loud applause.] In New York, in Massachusetts, in Illinois, in Iowa, the men who stood for the Union went with the stream. In parts of Kentucky, of Virginia, of Missouri, they stemmed the torrent. [Applause.] And, gentlemen, I am half a Southerner myself. Two of my uncles fought in the Confederate Navy. One of them served under the father-in-law of Vice-Governor Luke Wright, of the Philippine Islands. And so I think I have the right to say that, knowing the Southern people as I do, I would heartily advocate fighting twice as hard as you fought from 1861 to 1865 for the privilege of staying in the same Union with them. [Laughter and applause.]

The man to be a great statesman on the bench of the Supreme Court must have many qualities, and fortunate are we that this evening we can point to Justice Harlan as embodying them. A good citizen must be a good citizen in peace and in war. He must have the decent and orderly virtues, and he must have the essential manliness for the lack of which no good intention can atone. [Laughter and applause.] It will be a bad thing for the nation if ever we grow as a nation to submit to the suppression of efficiency and morality; if ever we grow to accept the belief that we

are to have two camps, in one of which will be grouped the men who mean well but who don't do things [laughter], and in the other the men who do things but who do not mean well. [Laughter and loud applause.]

The art of successful self-government is not an easy art for people or for individuals. It comes to our people here as the inheritance of ages of effort. It can be thrown away; it can be unlearned very easily, and it surely will be unlearned if we forget the vital need not merely of preaching but of practising both sets of virtues—if we forget the vital need of having the average citizen not only a good man, but a man. [Applause.]

It is a fine thing to have on the Supreme Court a man who dared venture all for the great prize of death in battle when the country called for him, and then the man who, after the war was closed, did not content himself with living an ignoble life on the plea that he had done so well it was not necessary to do more, but who continued to do his duty as a citizen all the better because he had done it as a soldier; the man who remembered that duty done, to be of practical use, must serve, not as an excuse for not doing further duty, but as an incentive, as a spur, to make him feel ashamed that his present or his future should fall short of his past. [Applause.]

So, Judge Harlan, I greet you personally, sir. I wish to express my own personal debt to you for your influ-

ence, for your example, but I wish far more, speaking as the representative of all our people, to express the infinite sense of obligation we have to you for having shown by your life what the type of fearless American citizenship should be. [Great and long-continued applause.]

Mr. MacNeagh

then spoke as follows:

Gentlemen of the Bench and of the Bar:

This occasion is equally delightful and auspicious. The guest of the evening won his way long ago into all our hearts by his inherent manliness of character, by his lofty standard of civic duty, by his proved fitness to adorn the higher ranges of our jurisprudence, and, possibly above all, by that saving sense of humor which in itself is a kind of gracious and inspiring piety. I do not mean to assert that all his contributions to the enjoyment of his friends could properly be labelled as pious exhortations, but I can very honestly declare that many of his experiences of life have left me not only in a happier but a better mood than many sermons to which I have listened. If it is a worthy prayer, as Stevenson thought it was, to beseech the Father to give us courage and gayety of spirits, I know nobody to whom those benedictions have been vouchsafed in fuller measure than to our honored guest. His physical courage, which he shares with all men of the fighting races, was tested in war; his moral courage, which is a far rarer virtue, has been illustrated by the number and vigor

of his dissenting opinions; and his gayety of spirits is his especial crown of glory.

I believe it was my privilege to bring his name for the first time to the consideration of President Hayes as a proper person for a seat on the bench of the illustrious tribunal which he has now honored by his presence for a quarter of a century. An irrepressible and vivacious statesman, whose friendship I am proud to enjoy, asserted in print some years ago that President Hayes had offered me many offices of a dignity far beyond my deserts. This would have been "interesting, if true," but it is true that my advocacy of others for high office was kindly received by him, and I was influential, at least to some small extent, in securing the appointment of more than one gentleman who reflected honor upon the country in accepting public office. Among them all, I am most proud of my assistance in securing Mr. Justice Harlan as a member of the Supreme Court of the United States.

Of course, the old standing objection was made to him that he was not a lawyer. To that I pleaded "confession and avoidance," stating the self-evident truth that judges need not be lawyers. Indeed, I easily satisfied the President on that subject when I pointed out to him that in every case excellent lawyers present to the judges opposing views of the law, and the decision must necessarily accept the view of the law presented to him by one or the other of his best "guides, counsellors, and friends." I have

known judges, it is true, whose natural temperament led them to endeavor to decide a case against the lawyers on both sides, but, generally speaking, such efforts have not been crowned with success.

A learned jurist of my own State once confided to me that he owed to the State of Kentucky two of the chief blessings of his life—his wife and an appreciation of the chief product of her native land; and it was a similarity in taste in that matter which led to my first intimacy with Mr. Justice Harlan. Our English brethren no doubt have some advantages, but they also suffer some limitations, especially in the matter of drinks; and those limitations are signally illustrated in the admirable portraits Sergeant Talfourd has drawn of those illustrious brothers who for so many years shed imperishable lustre upon the different sides of Westminster Hall. He says: “Lord Eldon and Sir William Scott perfectly agreed in one great taste—if a noble thirst should be called by so finical a name—an attachment to port wine, strong almost as that to constitution and to crown, and indeed a modification of the same sentiment.” Sir William Scott may possibly in his lighter moods have dallied with the innocence of claret, or, in excess of the gallantry for which he was famed, have crowned a compliment to a fair charmer with a glass of champagne; but in his sedater hours he stood fast by the port which was the daily refreshment of Lord Eldon for a large segment of a century. “It is indeed,” the learned Sergeant

gravely asserts, "the proper beverage of a great lawyer, that by the strength of which Blackstone wrote his Commentaries, and Sir William Grant meditated his judgments, and Lord Eldon repaired the ravages of study and withstood the shocks of party and of time. Its sustaining, tranquillizing power," he declares, "is the true cement of various labors and prompter of great thoughts, and port wine only can harmonize with the noble simplicity of ancient law."

After reading this tribute, one can only wonder to what heights of judicial renown those great jurists would have ascended if they had been permitted to enjoy that noble, inspiring, consoling, and elevating beverage to which the martial and chivalric community in which our distinguished guest was born owes so much—I will not say of the beauty of her women or the fleetness of her horses, but of the greatness of her sons and of her own ever-increasing fame.

Our guest is by far the oldest in commission of the members of the Supreme Court, and I had been admitted to its Bar five years before he took his seat there. Like all judges before whom it has been my privilege to practise, he too frequently makes the mistake of accepting the erroneous and distorted views of the law presented by my opponent rather than the accurate and lucid views I present. But as one gets into years, the years fortunately get into one, bringing their wider views, their mellower

appreciations, and that serenity of temper which is their choicest gift and which enables one to endure even the lapses of judges with a forbearing and compassionate charity, and so we all thank him for the wise decisions he has rendered and we all forgive him his mistakes.

Gentlemen, this banquet will miss its noblest opportunity of usefulness unless it assists to increase the reverence of the American people for the law. For many years I have been pleading with our more fortunate countrymen to cease in their frenzied pursuit of wealth, from bringing the law into contempt, and above all from poisoning the wells from which the Republic must draw its life if it is to live at all; for surely its perpetuity depends upon the profound respect of the plain people for those who make the laws, those who expound the laws, and those who administer the laws. It seems to me but yesterday when such respect was for us all an encompassing atmosphere,

“As broad and general
As the casing air.”

Let us cherish the hope that that respect will soon return and that the humblest and poorest of our fellow-citizens may enjoy the privilege of believing that his country, in city, state, and nation, is honestly governed by honest men for the public welfare; for such belief so cherished is the only stable foundation for the security of private property in America. The signs of such a return to the

old ways are most encouraging. Civic righteousness is daily gaining hosts of ardent supporters, and it is not hoping against hope to believe that, even if it is not always true at present, the laws of the future will be honestly enacted, honestly expounded, and honestly administered, free from all taint of selfish advantage or of unlawful gain. If so, although in the past our country, the best which ever existed, has been a shining example to all the world, her splendor in the days to come will surpass that of any period in her history; and her flag will float over happier men and women, leading nobler lives, inspired with a more elevating spirit of self-sacrifice, and leaving the world better for their having lived in it than was ever known before. As lawyers and as citizens we can therefore securely turn away from the years behind us and console ourselves with the cheering prospect opening before us. For it is truer to-day than it ever has been, as Pippa sang in the streets of Asolo,

"God's in His heaven,
All's well with the world."

And the new century, with the glad light of morning on its forehead, will nowhere scatter blessings from its affluent horn as prodigally as from the Great Lakes to the Gulf of Mexico and from the Atlantic to the Pacific sea. As Mr. Burke said of America long ago: "State the figures however high, while the dispute lasts the exaggeration

ends," and no imagination, however bold, would venture to predict the heights of material prosperity to which our country, in the lifetime of men now present, may attain.

Let us pray, and let us labor as well as pray, that she may advance with equal strides in all good ways and works, and in all the ethical ideals of a Christian nation, until we too become

"A land of old and just renown,
Where freedom broadens slowly down,
From precedent to precedent."

In that noble achievement for humanity, the Supreme Court of the United States must be the most influential factor, for only under its protection can be realized the dream of the fathers—Liberty regulated by Law.

It is twenty-five years ago to-day since John Marshall Harlan declared: "I do solemnly swear that I will administer justice without respect to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States." How well he has kept that solemn oath all men know, and for his keeping it in letter and in spirit we are gladly assembled to do him honor.

The Chairman then presented

Mr. Justice Harlan,

who spoke as follows:

Mr. Chairman and Gentlemen of the Bar:

On your behalf, as well as on my own, I thank the President for honoring this occasion by his presence. We are all glad that, notwithstanding the pressure of public engagements, he has given us the pleasure of seeing him here. In him are most strikingly illustrated the possibilities of American citizenship. At the time of my accession to the Bench the distinguished citizen who is now the Chief Executive of the Nation was still at the University, little dreaming that there was before him a career which, within a very few years after his graduation, would make his name known throughout the civilized world—a career remarkable for its courage, its directness of purpose, and its fidelity to the highest ideals of duty to his fellow-man and to his country. We welcome him to this banquet. In common with our countrymen everywhere, we recognize his elevated character and his patriotism, and earnestly hope that his life may be long spared to the American people. Before proceeding further, I propose that we rise and

drink to the health of the President. [This was done amid great enthusiasm.]

My first duty as well as pleasure is to thank you, Gentlemen of the Bar, for the signal honor you have done me. I had supposed that this, the last day of the twenty-five years of my judicial service, would pass without observation, except perhaps within the limits of my own domestic circle. But you ordered otherwise, and I am here, at your invitation, grateful for this generous expression of good will and personal interest. It is more than my poor services have deserved. If my countrymen think that the duties of the great office so long held by me have been discharged with conscientious regard for the law, or for what I deemed to be the law, and with an eye single to the ends of justice and right and truth, my descendants will have in this estimate of my judicial life a legacy more precious than any that I could possibly leave to them.

It is natural, Gentlemen of the Bar, that on this occasion my mind should run back over the period of my service on the Bench, and recall something of the men and measures that have made this last generation so memorable in the history of the country.

This is not the occasion to do more than mention the names of the great captains on both sides of our Civil War —Grant, Sherman, Thomas, Meade, Sheridan, Lee, Jackson, the two Johnstons, and Longstreet, all of whom, save Longstreet, have long ago passed over to the silent major-

ity, leaving the memory of their splendid courage, their marvellous military skill, and their high character as a rich legacy to the whole American people. And yet, as I must on such an anniversary think of the march of events as well as mark the flight of the years, I cannot but rejoice, with every true American, at the thought of the perfect healing of those old wounds, and at the fact that

“The several sections, weary of debate,”

are again one people, loving the one flag, acknowledging the one Constitution, and abiding loyally by the decisions of the one supreme judicial tribunal.

But my mind recalls more especially those with whom I have been associated in the administration of the law. In doing this, memories crowd upon me that cannot well be repressed. There come before me the faces of many, now gone, who were dear to me and with whom I had the privilege of being associated in judicial work, and, also, the faces of others, now also gone, with whom I had cordial personal relations, and whose luminous arguments at the bar of the Supreme Court will long be remembered by me. The country will not forget—surely I cannot forget—the services of Waite, Swayne, Clifford, Miller, Field, Strong, Bradley, Hunt, Woods, Matthews, Gray, Blatchford, Lamar, and Jackson. Nor can we forget such splendid leaders of the Bar as Harrison, Campbell, Bartlett, Evarts, Thurman, Trumbull, Rockwood, Hoar, Black, Carpenter,

Ranney, Conkling, McDonald, Phelps, William Allen Butler, Phillips, Wallis, Semmes, Goudy, Sweet, Storrow, Tucker, Hoadly, Hitchcock, and Davidge. It was to me delightful as well as instructive to hear those distinguished lawyers discuss important principles of constitutional and general law. In recalling the services of such eminent judges and lawyers, the thought comes to me that we may draw from their lives inspiration for renewed and higher efforts to elevate the standards of our noble profession, and to increase the respect of the people for the law as the only foundation upon which free government can securely rest.

I have not been insensible, Gentlemen, to the distinction, the mere worldly distinction, of a seat upon the bench of the Supreme Court of the United States—a tribunal once characterized by that great lawyer, Horace Binney, as the “august representative of the wisdom and justice and conscience of the whole people, in the exposition of their Constitution and laws”; as the “peaceful and venerable arbitrator between the citizens in all questions touching the extent and sway of constitutional power”; and as the “great moral substitute for force in controversies between the People, the States, and the Union.” It is, indeed, a high honor to be a member of such a tribunal. But permit me to say that there has been no moment during my term of service when I have not been deeply sensible of the awful responsibility resting upon every member of

that Court. The power of the Supreme Court for good, as well as for evil, can scarcely be exaggerated. If it cannot actually shape the destiny of our country, it can exert a commanding influence in that direction. It can by its judgments strengthen our institutions in the confidence and affections of the people, or, more easily than any other Department, it can undermine the foundations of our governmental system. It can undo the work of the fathers by abrogating old canons of constitutional construction that have helped to make this the foremost nation of the earth. It can—to use the words of Chief Justice Marshall—"explain away the Constitution of our country, and leave it, a magnificent structure indeed to look at, but totally unfit for use." We all, however, rejoice that it has it in its power to hold, and, in the judgment of America, it has steadily held, the country in the path of safety, so that to-day our people believe, as we trust they will always believe, that the preservation of the Union, under the Constitution, is the surest guarantee of liberty regulated by law as well as of the success of all movements and all policies demanded by the common good. If our institutions should be assailed and overthrown—no matter by whom or in what way, whether by arbitrary power, by corruption, or by lawlessness—the last citadel to be taken by the assailants will be our incomparable judicial organization.

That the Court holds the unique position it does, that it is invested with the extraordinary authority it wields, and

that we have a judicial system which Washington declared was the chief pillar of the National Government, is due primarily to the far-seeing statesmen of the revolutionary period. Prior to that time a few individual writers like Montesquieu had expressed the thought that the separation of the judicial department from other departments of government was essential to liberty. But it remained for the American people, in advance of all other peoples, to distribute the powers of government among three separate, co-equal, and co-ordinate departments, and to secure that distribution against sudden change by means of a Constitution that should be the supreme law of the land and therefore binding upon all. That doctrine is the foundation of our freedom. Remove that foundation, and our institutions will be so impaired as to become the prey of absolutism or anarchy. The experience of more than a century places it beyond question that the independence of the judiciary, and its authority—uncontrolled by other departments of the Government or by popular whim and passion—to declare the meaning, scope, and limitations of our Constitution, are vital to the existence and well-being of the Republic.

It may be said—indeed, it has been said by way of criticism—that the action of the Supreme Court has not always met with universal approval, and that its members have often differed upon grave questions of constitutional law. Such occasions will always arise in the case of any

tribunal constituted by human authority. But it is gratifying to know that those occasions have not weakened the position of the Court before the country. There is abundant reason to believe that the people confide in its patriotism, its integrity, and its learning, and have an abiding faith that no permanent or irreparable harm will come to the Republic by any action that Court will ever take. In the early history of our country it was the fear of some that the Supreme Court, exerting the enormous power conferred upon it, might ultimately so change our form of government as to destroy or endanger the essential rights of the States and imperil those fundamental rights of life, liberty, and property which belong to free men. Few, if any, now entertain such apprehensions, and there is practical unanimity among statesmen, jurists, and the people as to the essential nature of our institutions. It has become the established and accepted doctrine that the Constitution, emanating from and representing the people of the United States, creates a government with certain powers for defined purposes and with paramount authority within the sphere of the exercise of those powers; leaving to the States full control in all matters the supervision and determination of which they have not surrendered and which have not been committed by the people to the National Government. No American lawyer now questions the supremacy of the Constitution in respect of every subject entrusted to the National Government, or the wisdom

of the provision made for its final interpretation, or the absolute necessity for the maintenance of our liberties that the rightful powers of the States be preserved and respected. Every patriot recognizes the fact that the best friend of the Union is he who recognizes the just rights and powers of the States, and the best friend of the States is he who recognizes the just rights and powers of the Union.

God bless our dear country! God bless every effort to sustain and strengthen it in the hearts of the people of every race subject to its jurisdiction or authority!

Gentlemen of the Bar, my relation to this occasion suggests that I must not further detain you. Let me again thank you with all my heart for the great honor you have done me, for this marked evidence of your respect and confidence, and to assure you that while life lasts I will hold you in affectionate remembrance.

The Chairman then presented the

Chief Justice,

who said:

Mr. Chairman and Gentlemen:

Some fourteen years ago I discovered, among other things, that the rule was that the Chief Justices should not make after-dinner speeches. I accepted the rule, nothing doubting, but perhaps with a little discontent, and have religiously preserved silence for so long a time that I seem to have lost the ability to break it.

But I cannot be so ungracious as to decline to acknowledge the tribute paid by those whom my brother Holmes has so felicitously called "the other half of the law builders" to the tribunal over which I have the honor to preside, not merely in appreciative words, but in this celebration, for to celebrate the silver jubilee of one of its members is in itself a tribute to the Court as well as to him.

Eleven years of active practice before Mr. Justice Harlan on circuit enable me to heartily concur in the commendations of the Bar, while to that experience fourteen years of intimate association with him in judicial life have added

the knowledge of the patience, the good temper, the ability, the earnest effort to ascertain the very right, and to declare it, on his part, which, as exhibited in the conference room, have so largely contributed to the value of the decisions announced.

I must refrain, however, from proceeding further, but will mitigate the rigor of the precedents by which I am controlled by availing myself of the immemorial usage empowering the Chief Justice to call on his associates for assistance in critical moments, and, with the permission of the Chairman, will ask Mr. Justice Brewer to respond in my stead.

Mr. Justice Brewer

spoke as follows:

It is a difficult task to speak for a body like the Supreme Court, each one of whose members is so conscious of his ability to speak for himself, as you will readily perceive should you come to the court-room on a Monday morning and listen to his attempted explanation of his own opinion. It is also very embarrassing to speak in lieu of the Chief Justice, whom we should all delight to hear. And yet I cannot decline to say a few words in honor of one with whom for thirteen years I have had my earnest controversies over the Constitution and the law, yet never a harsh or unkindly word. The brevity of the notice, given me only this morning, is an assurance that my talk will not be long —no longer than one of Brother Harlan's dissents, and perhaps no better.

James A. Garfield said that to sit at one end of a log with Mark Hopkins at the other was of itself a liberal education. So, to sit in the conference room of the Supreme Court and struggle with Mr. Justice Harlan in the consideration of the various cases presented, is of itself a legal education, at least to any one capable of receiving such an

education. I regret that my juvenile brethren seem to have profited so little by this and other instruction.

All men are said to have their hobbies, and Justices of the Supreme Court are no exception. Mr. Justice Harlan has a hobby—a judicial hobby—and that is the Constitution of the United States. He has read and studied it so assiduously that I think he can repeat it from one end to the other, forward and backward, and perhaps with equal comprehension either way. I regret that he does not always fully comprehend it, for he has never yet been able to perceive that it expresses no difference between oleomargarine and butter, and he has always labored under the delusion that the only Original Package protected by its commerce clause is a package as large as himself and as compactly put together. They who know his persuasive ways and words appreciate the fact that he is largely responsible for the decisions of the Supreme Court, and any future Ingersoll, conning the judicial errors of that Court during the last quarter of a century, will catalogue them, not among the Mistakes of Moses, but as the Errors of John. But all men make mistakes; even Jupiter nods; and occasional traces of mental aberration may easily be pardoned in one brought up in Kentucky, where, as we have been told this evening, there are things which have a disturbing influence on both mind and body.

Some mistakes a man may never regret. Brother Harlan made a mistake in holding that the Civil Rights Bill was

constitutional. The Court said so; and in our governmental system the Supreme Court, on constitutional questions, is infallible, though, as every one knows, no one of its members ever comes within sight or sound of infallibility. But it was a mistake on the side of equal rights, and no act done or word said in behalf of liberty and equality ever fails to touch humanity with inspiring, prophetic thrill. John Brown of Ossawatomie made a mistake and was hung for it. As our Kansas poet has said:

“He dared begin. He lost, but losing won.”

And although to-day his body is mouldering in the grave, his inspiring soul will march triumphantly on through all the coming ages.

Mr. Justice Harlan has done something else than make an occasional constitutional mistake. He has not been a judicial blunderer. He believes implicitly in the Constitution. He goes to bed every night with one hand on the Constitution and the other on the Bible, and so sleeps the sweet sleep of justice and righteousness. He believes in the Constitution as it was written; that the Constitution as it was must be the Constitution as it is, and the Constitution as it shall be, unless and until the American people shall, in the way they have appointed, amend its provisions. To him it is no rope of sand to be broken by every legislative mandate, nor cord of rubber to be stretched by any tension of popular feeling, but a strong cable, binding this

Government in all its movements and activities to those eternal principles of justice, liberty, and equality without which the fathers believed that no free republic could ever endure and prosper. He believes that the Constitution and the flag, like liberty and the Union, "are now and forever one and inseparable"; that there is no place over which Old Glory flies in dominion which is beyond the reach of the protecting guarantees of the Constitution.

We boast, and rightly, of the marvellous growth of this nation in population, wealth, power, and moral grandeur. Not three centuries have passed since the first settlement of civilized life within its territory, and it is only one hundred and twenty-six years since the nation began to be. Rejoicing in all that has been accomplished, there is no true patriot who does not look forward with hope and faith to a richer and more marvellous growth and development and along the same great lines of population, wealth, power, and moral grandeur. And he who through twenty-five years of judicial life has been holding the nation within the safe courses prescribed by the Constitution, will certainly stand high in the great future among the honored heroes of the nation. So it is, my good Brother Harlan, that I join with all your brethren of the Court, with this representative gathering of the Bench and Bar of the nation, with the great body of our profession all over the land, and with the still larger body of all patriotic American citizens, in the confident and prophetic assurance that the silver band

of justice which, after twenty-five years of judicial labor,
Time this evening binds with loving hands around your
brow, will be transmuted, through the mystic alchemy of
God's eternal providence, into a golden and fadeless crown
of glory.

The Chairman then said: We have heard from the Executive Department and the Judicial Department, and now we are to hear from the Legislative Department. It gives me great pleasure to introduce to you the Chairman of the Judiciary Committee of the Senate,

Senator Hoar

who spoke as follows:

Hardly anything could give me more delight than an opportunity to unite with my brethren of the Bar in a tribute of honor to Mr. Justice Harlan. I think these proceedings, like many other important transactions, will not be quite complete without the advice and consent of the Senate. So I may perhaps, at least without presumption, undertake to bring him its salutation. I may, I am sure, take for granted an authority from every member of that body.

I am glad this has come in his lifetime. It is not often that a public man who has won a high place in the solid esteem of his countrymen knows it himself. This is especially true of a good judge. I remember well when one of the ablest and best-beloved of our Massachusetts judges

died—a man who had endeared himself to everybody by his quality of heart, and whose judicial ability was the pride of the Commonwealth. I got a letter from his daughter after I had said something in public about him. She said she wished her father could have known it in his lifetime. He had always thought people did not like him.

I met at an evening entertainment here in Washington, twenty-five years ago, one of the very greatest of the great Judges of the Supreme Court. He had just joined in the decision of one of the most important cases that ever came up for judgment. I greeted him with the usual inquiry for his health. He replied: "How can a man be feeling well when everybody is cursing him?" Yet I suppose that at that moment there was not a man alive more honored by his countrymen than Mr. Justice Bradley.

The duty of a Judge is discharged in the face of day. Yet, after all, he dwells in a solitude. When he is first appointed there are commonly civil expressions in the papers, although even then there is sometimes some moaning of the Bar when he puts out to sea. But a Judge of this Court has to take great responsibility. He has to settle questions about which the feelings of his countrymen are deeply stirred. After he has written his opinion he cannot explain himself or defend himself. If his opinion be that of the Court, it is very often, according to the modern practice—of the wisdom or of the necessity of which I do not presume to speak—accompanied by a powerful argument from one,

at least, of his brethren of the Bench to show it is all wrong. So, in general, the reward of the Judge is the consciousness that he has done his duty, unless, perhaps, he is to enjoy in another world the privilege of reading his own obituary.

When I came to the Senate in 1877, it was my good fortune to form a very pleasant friendship with Judge Harlan. I had met him before in the Republican National Convention of 1876. One of my earliest and most delightful as well as most honorable duties was to vote for his confirmation.

He had brought from Kentucky a high reputation as an advocate, as a fearless and sagacious political leader, a lover of liberty, and a good soldier in the Civil War. I then entertained a confident hope that he would have an illustrious and useful judicial career. That hope has not been disappointed. It has been more than fulfilled. There have been rare instances here and in England of men who seem to have been made to be Judges and to have been adapted for nothing else. But, in general, I believe that the best Judge is the man who brings to the Bench, as he did, as Jay and Ellsworth and Marshall and Taney did, as Coke and Bacon and Mansfield and Hardwicke and Eldon did, the experience of a great lawyer and who has won his spurs in political and public life.

It is not the fashion of the American people—certainly not of those of us who are of the English race—to express our emotions in public. Certainly we are not apt to

uncover the kindly and affectionate feelings of the heart to the public. I have known many men who, when they like a man or love a man, seem to exert all the wit they have to prevent his finding it out. But I think we are violating no canon of good taste or of manly behavior when we tell Mr. Justice Harlan, after the long years he has spent in our service, how much his countrymen love and honor him. To use the simple but sublime language of his commission, "He has behaved himself well." The American people have trusted him with the interests dearest to them, property and order and liberty, and he has been found worthy of the trust. He has been worthy of his great companions and of his great predecessors.

Our Judges are appointed, according to the practice we have inherited from the mother country, by the President, who is not only the Chief Magistrate of the people, but is always a political leader. The Judge, of course, if he has studied the Constitution he is to expound, brings with him to the bench opinions upon the questions of constitutional construction upon which his countrymen are divided. He would not only be unfit for a Judge, but he would be unfit for American citizenship, if he were without them. So there must be, of necessity, divisions of opinion in such cases upon the bench. But it is, I think, gratifying, as it is remarkable, that, in general, divisions have not been along party lines. At any rate, when it comes to paying respect to the guest of this evening, and the same would be

true of every one of his brethren of the Court, there is no division among his countrymen on party lines or on any other.

I said just now that the reward of a great Judge is the consciousness of doing his duty. But, of course, there is to go with it the delight that must come to a man of generous ambition from the quality of the duty he has to do. There are a few men whose intellectual superiority commands the admiration of mankind, in callings which, perhaps, dazzle the imagination more than that of the Judge. There are a few soldiers and a few generals, like Caesar, or Napoleon, or Wellington, or Grant; there are a few statesmen and orators, like Chatham, and Webster, and Lincoln; there are a few men of letters, a few poets, who undoubtedly occupy a place in the estimation of mankind which we must admit is more conspicuous than that of the greatest Judge.

The gladsome light of jurisprudence is like that of the sun or the fixed stars, and not like that from the crater of a volcano. Yet I believe the administration of justice, in the highest tribunal of a free State, to be the loftiest of human employments. The audacious boast of Kepler, the astronomer, "I think God's thoughts after Him," surely has nothing of boast or exaggeration in it when uttered by a good Judge.

Mr. Gladstone said, in a well-known paper: "The American Constitution is, so far as I can see, the most wonderful

work ever struck off at a given time by the brain and purpose of man. It has had a century of trial under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range; and its exemption from formal change, though not entire, has certainly approved the sagacity of the constructors and the stubborn strength of the fabric." I like that phrase of Mr. Gladstone's, "the stubborn strength of the fabric." Our Judges so far have been men of solid oak or of solid granite. They have never been men of willow or of carved ivory. This Court is part of the foundation. It is no gable or cornice, or metope or capital. It is upon it we are to depend "when the rain descends and the floods come and the winds blow and beat upon the house," that it shall not fall.

The opinion of Gladstone has doubtless become the opinion, in substance, of the most thoughtful students of political science the world over. The two elements to which the Constitution of our country owes this distinction are the Senate and the Supreme Court. This great tribunal, which keeps the forces of State and Nation alike within their appointed bounds, must depend for its authority upon the respect and confidence of the people. That respect and confidence of the people must, in my judgment, depend upon the influence of the legal profession. A court which has their support will endure. A court without their support will perish.

The Bar and the Court must stand by one another. An

independent Judiciary and an upright and fearless Bar are equally essential to the administration of justice, according to the system we have inherited from our English ancestors, and which we think better than any other. The independent and impartial judge, whose duty it is to hear and weigh both sides, aided by the advocate, whose duty it is to collect and present everything that can fairly be said on one side under the stimulus of his employment, without whose aid the court can never be sure that it has heard or knows the case—whatever an ignorant criticism may say—is the most perfect mechanism for the administration of justice possible under heaven among men. So the Bar of the Supreme Court of the United States, in paying its honor to this venerable Judge, speaks as a part, and an essential part, of the great tribunal of which he is an ornament.

There is, it seems to me, everything in the office of Judge of the Supreme Court to satisfy the loftiest desire of which human nature is capable. In it unite dignity, authority, permanence, security, honor, lasting fame, the most lofty of intellectual occupations, rendered delightful by lofty intellectual companionship, and the consciousness of being among the great benefactors of mankind. And when, after twenty-five years of service, we say of any man that he has worthily filled that place, there is nothing more to be said and there is nothing more to be desired.

It is hard to speak, on an occasion like this, of any indi-

vidual judge, however much we may honor him or may love him. It is not that we lack words to say what we are all thinking, or that we lack thoughts worthy to be uttered. When we pay our tribute to a learned and just judge, after all we are only drawing a portraiture that will serve for any figure in the mighty procession that began with Jay and Rutledge and Ellsworth, and will not end, we fondly hope, until time shall be no more. It has been the good fortune of the American people from the beginning that in the portrait gallery of our jurisprudence the lineaments and faces do not wear a mere individual expression. If we say of our Judge, as was said of Jay, that "when the ermine rested on him it touched nothing more spotless than itself"; if we say, as was said of Ellsworth, that "when he put on the robe of honor, when he went up to the holy altar, he made the garment of holiness honorable"; if we say, as was said of Shaw, that "the life, liberty, and property of every man in the Commonwealth was safe while the old man lived"; if we say, as Lord Justice Bowen said of the English Bench on the occasion of a tribute to him not unlike this we are paying to our friend to-night, "These are not days in which any English judge will fail to assert his right to rise in the proud consciousness that justice is administered in the realms of her Majesty the Queen, immaculate, unspotted, and unsuspected. There is no human being whose smile or frown, there is no government, Tory or Liberal, whose favor or disfavor can start the pulse of an

English judge, or move by one hair's breadth the even equipoise of the scales of justice"—we have but described the character of the American judge, the quality of the stock planted here by our fathers in the beginning, abiding with us here to-day, and which we fondly hope will abide while the Republic shall endure.

"A tree fast planted by a river,
Whose every season beareth fruit,
And whose leaf fadeth never."

The Chairman then said: We are fortunate in having with us a distinguished member of the Canadian Bar, and I have the pleasure of presenting to you

Sir Edward Blake

who spoke as follows:

Mr. Chairman and Gentlemen:

I am grateful for the high and unexpected honor of your invitation to participate in this most interesting occasion, both elements of which—the public as well as the personal—enlist my warmest sympathy.

Indeed, the freedom of which you have been justly boasting—that true freedom which is attainable only under the reign of law made and administered by the assent of the people—is the common boast of all great English-speaking communities, save one whose cause I came here to plead the other night. And thus we meet on common ground. [Applause.] For this liberty is part of that birth-right which you claimed and won from England. Its great features of representative government, trial by jury, and judicial independence proceeded thence to you.

But I wholly agree that the most striking and palpable

exemplification of the reign of law which the whole world shows is to be found in the institution of the Supreme Court of the United States. [Applause.] That is indeed a necessary incident of a fundamental constitutional law creating divisions of power. But the same element does not exist in the case of Britain, where the Constitution is unwritten, and the Imperial Parliament is supreme, theoretically moulding all other institutions at its will. Were the occasion suitable, I would gladly spend a brief hour or two in developing this distinction [laughter]; but my time limit is already past: I was asked for the ninth, it is already the tenth of December—so do not be afraid; I will forbear.

I may tell you, however, as a member of the Bar of Canada—the other great division of this Continent—that there we have imitated you in the creation of a written Federal Constitution, unalterable by our Parliament, and thus, of course, has been evolved, though on our smaller scale, the same high function of the Judiciary which here obtains. And so, again, in the Commonwealth of Australia.

There exists, too, at Westminster an Imperial Court, the Privy Council, to which, under varying limitations, every subject of the outlying dominions of the empire may, in fit cases, in the last resort appeal. These possible suitors number three hundred and fifty millions. And there, with reference to Canada, and in some circumstances

to Australia, the court necessarily assumes the same high duty. This condition is, of course, as to self-governing communities acting within their powers, anomalous. But it will last just as long as it is found convenient.

It may interest you to know, as a striking illustration of the vastness of that jurisdiction, that there exists in one of the remote provinces of India a temple, with its image and its altar, set up and maintained by a body of peasants, to whom a judgment of this Imperial Court had restored their lands, and who thus marked their reverence and gratitude to an unknown but powerful and beneficent deity, whom they personified as a goddess called "Privy Council." [Laughter and applause.]

At that Imperial Bar every barrister authorized to plead in any of the numerous political communities under the British flag has the right to appear. And so it has happened even to me there to plead not only for clients from Canada, but also sometimes for men hailing from the Antipodes. Thus we, too, after our fashion, demonstrate, like yourselves, the reign of law.

The President of the United States praised the "judicial statesmanship" of your distinguished guest and of the Supreme Court generally. And it seems to me perfectly true that, consistently with the accepted rules of interpretation, the quality which he has so designated must exist in order to the proper discharge of the high duty of the Court. We lawyers know the old rules of interpretation.

We are to discern the mischief or defect which was existent; we are to ascertain the remedy which has been provided; and we are to construe the statute, as far as possible, so as to avert the mischief and advance the remedy. How, then, is it possible, in construing a great political instrument like a Constitution, to perform the judicial function without taking into account those high political considerations which can, indeed, have no place in the interpretation of ordinary statutes, but which play here their appropriate and necessary, their analogous, part?

But I must quit the public for the personal aspect of this occasion. I feel, Mr. Chairman, that I owe this honor and pleasure to the circumstance—happy for me—that I enjoy the friendship of Mr. Justice Harlan; and I think I may best merit your indulgence by telling you something of the Man.

You have heard to-night of Harlan the intrepid warrior, of Harlan the great Judge. Let me tell you of some other Harlans with whom you may be less familiar. You have heard of Harlan at work; let me tell you of Harlan at play.

[Laughter.]

The Harlan whom I know has for some years summered at a little watering place in my country, on the shores of the St. Lawrence, where several other good Americans also make their summer homes. By the way, I may say that this is the sort of annexation liked by Canada. She is rather coy of political unions. Lately suggestions have

been made by some important persons in England for some organized closer connection or arrangements, involving settlements, to be made on this occasion by the wife rather than the husband. And from some quarters in this great Republic one sometimes notes hints of a like kind.

So far as I can judge, though I no longer claim to speak for Miss Canada, she feels both quite loyal to the empire and also very comfortable as she stands, and is rather disposed to cherish her single and independent life at home. I can best describe her attitude by saying that it is the absolute converse of that of the heroine of a Scotch story which I love. There was once an old maid in Edinburgh, sick unto death, on whom her minister made the customary call. "An' how are ye the day, Miss McTavish?" "Ah! Meenister," said she, "a'll sune be in the buzzom o' Judas the noo!" The minister was, as I see you are, horrified at the slip. "Hoot, wumman, what are ye talking aboot? Ye mean Abraham's buzzom." "Ah! weel, Meenister, aff ye had been a puir, lorn wumman as lang's I hae been, ye wad na care muckle whase buzzom it was." [Great laughter.] These, Mr. Chairman, are by no manner of means the sentiments of Canada!

But to return to the Harlans that I know.

Not one glimpse may be allowed—in this brilliant blaze of light, compounded though it be of purest rays of kindness and affection—not one glimpse may be here allowed of the sacred charms of the home circle into which

a man has been privileged to enter. These are for those alone who share that great privilege.

But I have known Harlan the tenant—in point of fact, he was my tenant. I can give him the best of characters. [Laughter.] He was an excellent tenant; he paid his rent punctually; he did not grumble about defects; he made no claims for repairs. And when at length he decided to become a neighboring proprietor, I paid him the last and highest compliment of a landlord in vainly requesting him to stay on at a reduced rent; so you will see that our friendship survived unimpaired even the strain of those ticklish relations. [Laughter.]

I have known Harlan the housebuilder. I have known Harlan the landscape gardener, the path-maker, the tree-transplanter. Indeed, in this last respect I have even been instrumental in composing some domestic differences, as to the sentence to be passed on certain Norway spruces—whether it should be decapitation or transportation, or only strangulation by their neighbors. My intervention was, I believe, not unsuccessful; though, as sometimes happens, the lion got the lion's share. [Laughter.]

Yes, and in all these capacities I have seen him “bossing the job”; teaching each man his trade, apparently convinced that the jurisdiction of an Associate Justice of the Supreme Court extended to those distant shores, and that even there his word was law. [Laughter.]

I have known, too, Harlan the conversationalist, and

have enjoyed those symposia where various dry and knotty subjects were debated, and illustrated, and fumigated, and, after allusions already made, I may perhaps venture to add, even irrigated. [Great laughter.]

I have heard, too, as indeed all of us this evening, of Harlan the opinion-writer, though I know him not as such. For it has been told to me that, though, like myself, he brings down to Murray Bay large boxes of law papers, with full determination to write opinions, yet, as in my case, the opinions somehow don't get written down there. [Laughter.] We are far too busy for that! None the less am I convinced that the opinions he writes at Washington, after the rest of Murray Bay, are his very best, and, of course, comprise not one of those necessarily erroneous dissents which have been hinted at to-night. [Laughter.]

But almost all that I have talked about is play. I come to the serious side and the real business of his Murray Bay life. I have known Harlan the Golfer! [Laughter.] Not that I play the game. It is enough for me to watch the Judge. My wife and I have often driven, in the late afternoon, on the village road which borders the links. They are all deserted; the golfers have gone home for the day. Presently we catch in the distance, between trees and rocks, a little scarlet gleam that lights up the sombre landscape. As we approach we discern one human form—did I say human? No! A form "larger than human, on the

turf-clad hill." [Laughter.] It is the Judge, clad in a red garment, followed by one forlorn and melancholy caddie; filling all alone the vast area of the links; selecting his weapon; poising it and testing it; meditating his tactics; and in the end delivering, hit or miss, a terrific assault upon one small ball, driving it I know not whither, and pursuing it I know not why. [Great laughter.] Strenuous in this as in all else, he enables me to apply to a good man the description the Roman writer gives of one of those "bad men who do," spoken of by the President to-night, "Quid vult id valde vult." And my opinion is that, next to those prime objects of his devotion which have been mentioned—the Bible and the Constitution—he holds in his heart the laws and practices of the game of golf. [Laughter.]

Well, I have sketched you six days of the Murray Bay week; but one other day remains. I have known also Harlan, always the supporter, and of late years a trustee, of a Union Church in which for this long time Episcopalians and Presbyterians have joined together in arranging for public worship, each according to their own rites, but each attending as well the other's services; and realizing in practice their belief that the things which join us are infinitely greater and more important than those which divide, and that, after all, "the greatest of these is charity." In that, as in all other duties, the Judge has given his heart to his work. [Applause.]

You may care to know that, on the tragic death of President McKinley, there was held in that church a simple memorial service, in which there joined with your own people, not merely English-speaking Canadian Protestants, but also many of the French-Canadian Catholics, who sought, in this, for them, unusual way, to mark their sense of a common loss.

Now, there is one last thing I am going to tell about the Judge, and that is that, like myself, he begins, as soon as he leaves, to count the days which must pass before his return [laughter]; and that if you at Washington have your share, we at Murray Bay can also claim no mean part in his heart and affections. His friendship is to me, as to others there, an honor and a happiness; and, good Republican though he be, he is easily the king of our little community.

I will not detain you longer. I close by expressing my unfeigned thanks for your kindness in listening to my poor sketch of Harlan of Murray Bay; and I dare say you will agree that he is all the better as a Judge for being such as I have outlined as a man. [Applause.]

The Chairman then said: Kentucky is represented here not only by the guest of the evening, but by another of her sons, who has promised to tell us a part—of course only a part—of the truth of Judge Harlan's early career. I present to you

Hon. Alexander Pope Humphrey,

who spoke as follows:

Mr. Chairman and Gentlemen:

Kentuckians are so modest that, although there are very many great men in our State, we say little about it. But we are gratified to see, when one of them goes over the border, he is so well found out and so honored as is the guest of to-night.

I suppose I am expected to speak, not of "Abdul Aziz," but of "Abdul Azwas." To give you the point of view, recently two gentlemen of color, walking along the street in Shelbyville, met a third gentleman of color arrayed in the latest cut of fashion. He was the principal of a colored school. As they passed one bowed profoundly and said, "Good-morning, Professor"; the other, jauntily, "How d'ye, Bill." And then, as they walked on, the latter remarked:

"You calls him Perfesser. I calls him Bill. I knowed him 'fore he 'fessed."

In attaining eminence in the law Mr. Justice Harlan, to borrow a thought from Froude, was simply treading into a path the footprints of his ancestors. Especially his father before him was a man of strong character, strong mind, and strong integrity—Attorney-General of Kentucky, a leader of our Appellate Bar, and widely known through the State.

The entrance of the Justice into judicial life could hardly be called propitious. In the early fifties he was elected County Judge of Franklin County. Now, we had adopted a new Constitution in 1849. This did not require of a county judge that he should be a lawyer. It was vigorously assailed for this omission, but Ben Hardin, the Nestor of the Convention, as vigorously defended it. I will read an extract from his speech:

"Who ever dreamed that they were to be lawyers? Who ever dreamed that they were to receive such salaries? It was intended that the judges of the Circuit Courts and the Court of Appeals should be lawyers; and who ever heard of judges of these courts that were not lawyers? But as to the judges of the County Courts—God forbid that they should be lawyers! Good lawyers could not afford to take the office, and a little lawyer is the biggest fool in the world. He has just law enough in his head to drive out his common-sense. He is like an oyster smack with the canvas of

a man-of-war. Every flaw of wind capsizes him. The Convention intended that these judges should be farmers."

Now, what "flaw of wind" it was that came over the hills of Franklin I don't know, but certainly it capsized him, for in a year he resigned.

But that he was a good farmer is easily shown. On going to Chicago as Justice of that circuit, his arrival happened on the first Monday in the month. At first the crowd on the streets astonished him, but his wonder ceased when he remembered that "it was County Court day."

I am hardly expected on this occasion and at this late hour to give a biographical sketch of our friend. This is not a Bar meeting, where we are to express surprise at Providence, declare "the final bill of exceptions to be signed," spread him on the record, and send a copy to the bereaved family. We are here, not to bury Caesar, but to praise him. A few facts—and on such an occasion no one ever departs from the truth—may be of interest.

In 1860 he stumped the State, or, as a distinguished Senator would say, lifted up his voice from "Mills Point to the mouth of Sandy," in favor of "the Union, the Constitution, and the enforcement of the laws." As for the Union, he was soon to take up arms for that. For the Constitution, all know how dearly he loves it—so much so that recently he has positively insisted that it should be stretched around the world, like a belt over the equator, provided always the buckle of that belt be located in the hands of

the Supreme Court of the United States. For the enforcement of the laws he has won great and deserved praise. A few years ago in our State a man was twice convicted of murder, and his conviction twice set aside by our Appellate Court. The third conviction stuck fast in the State Court. But our learned Justice found a Federal question, and again the conviction was reversed. An enthusiastic citizen of Clark County, amiable to a fault, his friends said, except that he was "somewhat hasty in pistolic action," declared that "our man John Harlan is the greatest judge on earth, and has so fixed it that it is impossible to commit murder in Kentucky according to law."

After the war he became the leader of the Republican party in Kentucky and made two races for Governor. He was not exactly elected, but he reduced the majorities, and was comforted with the philosophy of the boy who tried to catch woodpeckers by climbing trees after them, and said proudly, "I never ketched none, but I skeered two."

If any one may suppose that he was a dissenter from the start, our Chairman will remember that nothing is easier for a Democrat in Pennsylvania or a Republican in Kentucky than to form the "minority habit."

It is very late, but I want to express two thoughts. It is a fine thing to have a great opportunity, but a much finer thing to be equal to its obligations and its possibilities. Judge Harlan came to the Bench of the Supreme Court at the age of forty-four, in mind and body alert and vigorous,

with an enthusiasm for liberty and law, a trained lawyer with a wide experience at no mean Bar, and a fixed habit of doing his best in every task assigned him. And where is he now? It was after almost ten years of strenuous labor on the windy plains of Troy that Ulysses was ready to declare, "Time hath, my lord, a wallet at his back wherein he puts alms meet for oblivion. Such alms are good deeds past." So here is the finest thing of all—a quarter of a century of most excellent and honorable toil, and yet with mind and body still full of fire. Forgetting those things which are behind, he presses forward to the mark of the prize of his high calling.

We rejoice and share in all the admiration excited by the Justice. We are pleased with him and with you at all the honor and power and place that have come to him. But the thought with us is always and above all other thought that he has now and has had all these years an abiding and constant love for Kentucky, his old home and his old friends. Let one of us come here and go into the court-room, and in a moment he spies us out, and there is at once the friendly smile of recognition and the page with a message to come behind the bench; and his first word always, "How are things in Kentucky?"

What nobler, purer, stronger trait is there in human character than a love of home?

During the last few years we have had a season of turmoil that tried men's souls. Political differences have had

a climax so awful that it was like to make our name a by-word and a reproach. For men forget that it is as true of parties as of kings that it is their curse "to be attended by slaves who take their humors for a warrant to break within the bloody house of life." We have seen his eye light, we have seen his eye dim, as he listened to the story. Here was a man whose counsels might have brought order out of chaos; whose insistent voice for liberty and law might have stilled the waves of faction. So that it was with no small measure of self-sacrifice that Kentucky gave up to the larger service of the Union the talents and the character of this her gifted son.

Ass't Att'y-Gen. James M. Beck,
representing the Department of Justice, said:

Let me first express my appreciation of the honor done me in assigning me to any place on the programme of to-night. I wish sincerely it were in my power to justify so great a compliment. I am but an understudy to-night, taking the place of the Attorney-General, who, to his very great regret, has been obliged to deny himself the pleasure and the honor of joining in this tribute of respect to the distinguished guest of the evening. The Solicitor-General could with more propriety speak for the Department of Justice, but unfortunately is suffering from an unusual and excessive rush of modesty to the brain. I am, therefore, delegated to discharge the double duty of conveying to Mr. Justice Harlan the felicitations of the Department of Justice and of the Junior Bar.

I need not enlarge upon the close relation which exists between the Supreme Court and the Department of Justice. To a very great extent we furnish the grist for the judicial mill in the shape of perplexing and important questions, whose variety is only exceeded by the variety of opinion

which their submission elicits from the Bench. Our greatest crux was the so-called Insular Cases. There is a touching ballad daily played upon the streets which celebrates the varied achievements of one Mr. Dooley, but it is strange that the ballad-monger devotes no special verse to Mr. Dooley's greatest achievement, which was in perplexing the most enlightened, the most learned, and most conscientious tribunal in Christendom by the great question, "When is a Territory not a Territory?" When the history of this great case comes to be finally written, will there not be a special chapter devoted to Mr. Dooley and his famous lemons, as to which there were nearly as many different answers from our Court of last conjecture as there were separate Justices?

Another tie which binds the Department of Justice to the Supreme Court, and which gives the Department especial gratification to-night, is the fact that in preparing our briefs and making our oral arguments we hope to a modest extent to enlighten the Court. This work of education is necessarily tentative and gradual; but "finis coronat opus," and the success of the Department of Justice can be measured by the event we celebrate. For a quarter of a century a long line of Attorneys-General, Solicitors-General, Assistant Attorneys-General, Assistants to the Attorney-General, Assistant Attorneys, and Special Assistants to the Attorney-General—not to exclude the office boy—have by printed brief and oral argument collaborated in this work

of education, and as the result we have the finished Judge, whose lustrous achievements on the bench are only surpassed by the brilliant success with which with one fell stroke—*ex proprio vigore*, as it were—he made the fourth hole on the Chevy Chase golf course.

Our contribution to the honorable career of Mr. Justice Harlan encourages us to commence the work of education anew with Mr. Justice Holmes, to whom the Department of Justice takes this occasion to bid a most cordial welcome. Doubtless in another twenty-five years we will be celebrating the completion of our educational labors in his case also.

The work of our Department has much of the adventure and hazard of Alpine mountaineering. We bravely assail these awful heights, and sometimes reach the summit, and for a little time joyfully inhale the pure and serene atmosphere of these Olympian heights, until some fated Monday morning we are hurled, like Whymper's fated party from the Matterhorn, to the lowest abyss of defeat by an adverse decision, and sometimes, but rarely, without even the cold respect of a dissenting opinion to comfort us. It must be said in frankness, however, that the dissenting opinion is rarely lacking. John Randolph was wont to say of Marshall's opinions that they were "all wrong, but that no man could say in what and to what extent they were wrong." In these days the Associate Justices by dissenting opinions relieve us of any doubt in this respect. One can say

of these dissenting opinions, as Mark Twain said of the Legion of Honor, that few escape it.

I have used the metaphor of mountain climbing, and it prompts me to add that the unsullied snow on the dome of Mont Blanc is not more pure than the lofty atmosphere of the Court. The Senate of the Areopagites was said to have met at night, so that the judges would not even see the faces of the litigants and be thereby prejudiced. Mark the greater wisdom and simplicity of our Supreme Court, whose members accomplish the same purpose during oral arguments by simply closing their eyes. Let none profanely suggest that the learned Justices are asleep. Even if they were, who should complain, when we read from time to time during the sessions of the Court that on a given day the Court will rise and not sit again for two weeks? The bodily fatigue incident to this physical ordeal may well justify the Court in hibernating when actually in session. They tell a story of Richard Brinsley Sheridan, that he once expressed a desire that Lord Kenyon should witness the performance of his tragedy "Pizarro." His lordship consented, and subsequently a malicious friend told Sheridan that in the exciting climax of the play Lord Kenyon was observed to be fast asleep. "What do I care?" replied Sheridan. "His lordship simply thought that he was on the bench." Indeed, a Western appellate court has decided, after due deliberation, and in this case without any dissent, that it is not reversible error for the trial judge to sleep during

the progress of the trial. Thus splendidly was this ancient prerogative of the Bench judicially vindicated, and it would be "cruel and unusual punishment" to deny to the Justices this privilege and immunity under the Constitution.

I am also charged to say a word in behalf of the always militant and sometimes triumphant branch of our profession known as the Junior Bar. We cannot yield even to our elders in our respect and admiration for Mr. Justice Harlan's ability as a jurist and worth as a man. To the junior members of the profession he has been, both as judge and teacher, so loyal a friend that we rejoice in the opportunity to extend to him on this interesting occasion our heartiest congratulations and best wishes. We congratulate him upon the happy fact that he has attained his threescore years and ten and retains the vigor of his health, with eye undimmed and natural force unabated. Most regrettably we appreciate that Nature must some day foreclose its great mortgage upon his as upon every life, whose satisfaction is the act of death, yet let us pray that the great Judge may be pleased to extend our honored guest's time for putting in his answer. We deny, in this case, the equity of the bill; and if the modern injunction could forever restrain the foreclosure of the dread mortgage of death, the Bench and Bar of the United States would be unanimous in moving for a perpetual injunction.

Speaking for the Junior Bar, I am not unaware that the young lawyer has been the theme of humor for the poet and

orator, and the great humorist of our time has given us the commonly accepted class in his immortal Tommy Traddles, with his chambers at Gray's Inn, consisting of "one-fourth of a room, a passageway, and one-fourth of a clerk," and his patient motto, "Wait and hope"; or in the less amiable "young man of the name of Guppy," whose excessive caution was such that when he offered his hand in marriage he distinctly prefaced his declaration by stating that what he was about to say must be considered as "without prejudice." Whatever may be the rule in older and more conservative countries, where young lawyers practise more economy than law, and perhaps little of either, yet in our country and time a large proportion, perhaps a majority, of the cases are conducted by the members of the Junior Bar; and as to the ability with which they discharge their duty to their clients, one need only cite the familiar remark of the late Senator Carpenter that he "feared no antagonist more than a young lawyer."

It is remarkable, however, that it was reserved for our country to impose in its organic law a disqualification on youth. The provisions of our Constitution which require Representatives, Senators, and the President to be of a given age are too familiar to require citation. No similar provision existed in any other country, and the framers adopted this qualification with the full knowledge, of which they were reminded, that among the recent constitutional rulers of their former country were Bolingbroke and the

younger Pitt, the latter being Prime Minister of England when hardly thirty years of age. The disqualification seems stranger still in view of the fact that the members of both the Continental Congress and the Constitutional Convention were for the most part young lawyers. The trick of costume sometimes blinds us to the recognition of this fact. The powdered hair and stately costume contribute to their portraits an appearance of age which is often at variance with their real years. No fact is more clear than that this country was called into being and its written institutions framed by young men, largely members of the Junior Bar.

In Massachusetts it was the young lawyers who championed the rights of the colonies, while of the attitude of the Senior Bar it is perhaps enough to quote the words of John Adams, written on December 13, 1765: "The Bar seems to me to behave like a flock of shot pigeons; they seem to be stopped. The net seems to be thrown over them, and they have scarcely courage to flounce and flutter." Young Adams was at that time thirty years of age. Together with young Josiah Quincy, who was only twenty-nine when on the eve of the famous Tea Party he harangued the crowd in front of Old South Church; John Hancock, who was then thirty-seven; Joseph Warren, aged thirty-four; and Sam Adams, the only elderly man, he formed the Massachusetts Committee of Correspondence, and these men remained the master spirits for revolt in the old Bay State.

Enough to say that of the fifty-one members of the Continental Congress who signed the Declaration of Independence, two were under thirty years of age, eighteen between thirty and forty, eighteen between forty and fifty, and only thirteen over fifty; and for the most part they were young lawyers. It was of this Congress of comparatively young men that William Pitt said: "I must declare and avow that in all my reading and study—and I have read Thucydides and have studied and admired the master States of the world—that for solidity of reason, force of sagacity, and wisdom of conclusion, under such a complication of circumstances, no nation or body of men can stand in preference to the General Congress at Philadelphia."

The same is true of the Constitutional Convention. Its three master spirits were James Madison, age thirty-six; Alexander Hamilton, hardly turned thirty; and Gouverneur Morris, who had not reached forty.

Need I cite John Jay, who at thirty-two was Chief Justice of New York; or Joseph Story, who at thirty-two was an Associate Justice of this Court; William Wirt, who at thirty-five was employed to prosecute Aaron Burr; John C. Calhoun, who at thirty was Chairman of the Committee on Foreign Relations of the House; Henry Clay, who entered the Senate while under the constitutional age; Daniel Webster, who at thirty-six argued the famous Dartmouth College case?

Surely, with lustrous achievements such as these, the

Junior Bar can claim a place at this board to extend its congratulations to one who is both its loyal friend and a shining exemplar. If to have a glorious youth be a noble record, what must we say of him, our guest this night, who upon so goodly a foundation has erected the superstructure of an honorable prime and a green and vigorous age? How more worthily could any man spend his life than has Mr. Justice Harlan? When the great Roman lawyer and orator, Cicero, was making his noble appeal for mercy for Ligarius, before no less a judge than Julius Caesar, he uttered the sublime sentiment that man can approach no nearer to God than in giving safety to men. When, however, I consider how evenly our honored guest has held the scales of justice for a quarter of a century, and how unspotted he has preserved his judicial ermine, I feel tempted to deny the statement of the pagan orator, and state that man can approach yet nearer to the Supreme Judge of the world by administering that justice between man and man, which is the exalted object of the universe.

"Serus in coelum redeas!" Yes, with more than the pagan's meaning, Junior and Senior Bar pray to-night that he may get late to Heaven, and until then enjoy the deserved rewards of his honorable and useful life—

"Love, honor, obedience, troops of friends."

The speech of

R. Ross Perry,

representing the Bar of the District of Columbia, was as follows:

Mr. Toastmaster:

Those who have preceded me have spoken most feelingly and eloquently of Judge Harlan as a soldier, jurist, and patriot. I wish to speak of him as a citizen of the National Capital.

It is a distressing fact that no great men are born in Washington. As a native here I have no ill-will against them for the neglect, as I am quite sure it was not intentional. If some of the great men who are our guests tonight had only known in time of this deficiency, I do not doubt that they would have obligingly consented to be born here just to vary the monotony of our situation. But if Washington be not the birthplace of great men, she is, by the eternal fitness of things, their home. If you want to meet the Nation's great men, you must come here to this city of the Nation. No patriot can go to-day to Boston and stroll down to the Frogpond and then back, passing by

that latest bronze statuary perpetuating the blood of our first martyrs who fell dead in the snow on that March night of 1770, without crying for larger lungs to breathe in that air of liberty. And when he walks across Concord Bridge and stands where once the embattled farmers stood, his soul would be afire with glory were it not chastened into a solemn glow of love and gratitude for those who through great tribulation wrought out the salvation of this people. Yet, magnificent as their heritage is, Concord and Boston are only Massachusetts, while Washington is the United States. The delicate tact, the wise statesmanship, the splendid courage which dealt with our latest economic trouble, so serious that it invaded every man's home, were found not in New York, nor yet in Pennsylvania, but here in our midst, and it was the people's President who relieved the distress of the people.

How well the immortal founder of this city understood its future character and destiny! When he died it was yet in its swaddling clothes. But he foresaw with clear eyes its lusty youth, its vigorous maturity. To his vision the flag already floated from ocean to ocean and from the St. Lawrence to the Gulf. He appreciated all the littleness of local ignorance and prejudice. He knew how much State lines shut in and how much more they shut out. Again and again he spoke for a National University here at the Nation's capital, and finally, in his will itself, provided for such an institution, to which "the youth of fortune and talents

from all parts of the United States" might be sent for the completion of their education and the freeing themselves by mutual association from local prejudices and jealousies.

Does not the present city make real his vision? As we go back through its century of history, from the great men who are with us to-night to that greatest of all men, its founder, what faces we see, what voices we hear, what supreme events pass before us! As we look and listen we feel, we know, that these things cannot have been without the creation and perpetuation of an atmosphere, a pervading and controlling and inspiring influence, an emanation from great thoughts and great actions, the like of which you cannot find elsewhere. Here is the mighty heart of this people, and as it drives on with its tremendous beats a healthy, glowing tide of national impulse and patriotic hopes into arteries which reach to the ends of our land, it sends a vivifying principle that nourishes and develops broad, generous, and lofty thoughts and ideals. Never, since history began, has the returning stream brought back so spontaneous, so hearty, so generally harmonious a response from people to ruler. If the blue veins do sometimes hold wornout and effete results of local waste or mal-adjustment, the oxygen of the Nation's air soon burns them into good arterial blood again. So it is that no man can live here long and remain a mere citizen of a State. And, again, so it is that great men must come here, because a truly great man is a national man.

Judge Harlan had it inevitably before him that he should leave his native Kentucky—grand State that it is—and come here to find his real home. He has been a citizen of Washington for twenty-five years and during that time we have all learned to know and love him. We proudly number him among the great men who have made and are making the distinctive city of which I have spoken. We have all listened with admiring assent to the eloquent and just tribute to his merits as a judge. But as a citizen of this District I should not express the feeling of my fellows if I did not refer to the important case of Callan vs. Wilson, in which it had been contended at the Bar that the residents of this District were outside of the protective provisions of the Constitution concerning trial by jury. Hear what this great Judge of ours said for his fellow-citizens:

“And as the guaranty of a trial by jury, in the third article, implied a trial in that mode and according to the settled rules of the common law, the enumeration, in the Sixth Amendment, of the rights of the accused in criminal prosecutions is to be taken as a declaration of what those rules were, and is to be referred to the anxiety of the people of the States to have in the supreme law of the land, and, so far as the agencies of the General Government were concerned, a full and distinct recognition of those rules as involving the fundamental rights of life, liberty, and property. This recognition was demanded and secured for the benefit of all the people of the United States, as well those perma-

nently or temporarily residing in the District of Columbia as those residing or being in the several States. There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guarantees of life, liberty, and property—especially of the privilege of trial by jury in criminal cases."

If he had done or said no more than this we should always gratefully and admiringly remember him.

It is a healthy practice which we inaugurate here tonight. We do not come to soothe the dull, cold ear of death with flattery. All Greece, palpitant with proud and patriotic sympathy, applauded the victor of the Olympian games. We, judges, lawyers, and citizens, come from all over this broad land to say to this highest athlete that we have watched him run his splendid race and that he shall go on to the end fortified and inspired by our sympathy and praise.

Judge Harlan's whole life in our midst has been a pleasure, a profit, and an inspiration to us. For centuries it has been said, "laborare est orare." We know it is true. What more fervent prayer, what more soulful praise than a life of honest, hard work? Some people call golf, play. I don't agree with them. But if it be play, then it is the only play Judge Harlan has had for a quarter of a century. At work early in the morning, at noon tide, at sunset, and late into

the night; at work as a judge, at work as a teacher of law, at work as an international arbitrator—and yet finding time to do other and hard work as a church member, as a public-spirited citizen, as a friend. Is it not right to say that such work, such unsparing of the flesh, such driving hard of all the faculties, such earnestness to do with one's might what one's hand has found to do, such stringent exercise of those powers which were not given to rust in us unused—is it not right to say that these are both prayer and praise?

We do well then to-night to welcome this fellow-citizen of ours with proud words of appreciation. But I do not want to leave him upon a lonely pedestal. I want to bring him right down in our midst where he has always lived. No man more social than he; possessing a quiet and proper dignity, yet so approachable, so sympathetic, so willing to help, to encourage. There is no stiff curtain drawn between himself and his fellow-men. Himself full of the joy of living, he makes life beautiful to others. To-night we all of us say to him from the bottom of our hearts: Long may you continue to live your happy, useful, honored life, our illustrious fellow-citizen of Washington.

List of Guests.

ANDERSON, JUSTICE.	HOWRY, JUDGE.
BARNARD, JUSTICE.	HUMPHREY, JUDGE.
BECK, ASSISTANT ATT'Y-GEN.	MACVEAGH, WAYNE.
BINGHAM, CHIEF JUSTICE.	MCKENNA, JUSTICE.
BLAKE, THE HON. EDWARD.	MCKENNEY, J. H.
BROWN, JUSTICE.	MORRIS, JUSTICE.
BREWER, JUSTICE.	NOTT, CHIEF JUSTICE.
CANNON, JOSEPH G.	PERRY, R. ROSS.
CHIEF JUSTICE, THE.	PECKHAM, JUSTICE.
CLABAUGH, JUSTICE.	PEELLE, JUDGE.
CORTELYOU, GEORGE B.	PRESIDENT, THE.
DAVIES, JULIEN T.	SHAW, SECRETARY.
FRYE, SENATOR.	SHEPARD, JUSTICE.
GOULD, JUSTICE.	SHIRAS, JUSTICE.
HAGNER, JUSTICE.	SPEAKER, THE.
HARLAN, DR. RICHARD D.	SPOONER, SENATOR.
HARLAN, JUSTICE.	WELDON, JUDGE.
HILL, ASSISTANT SECRETARY.	WHITE, JUSTICE.
HOAR, SENATOR.	WILSON, SECRETARY.
HOLMES, JUSTICE.	WRIGHT, J. M.

Members of the Bar.

ALEXANDER, C. B.	BLAIR, JOHN S.
ALLEN, FREDERICK I.	BENNETT, JOHN R.
ASHTON, J. HUBLEY.	BEACH, JR., CHARLES F.
BAKER, D. W.	BRITTON, ALEXANDER.
BLAIR, HENRY P.	BISPHAM, GEORGE M.
BOND, HUGH L., JR.	CAREY, FRANCIS H.
BROWNE, A. B.	CHADBOURNE, T. L.
BEVERIDGE, SENATOR.	CHURCH, J. B.
BRADLEY, ANDREW Y.	COOMBS, JOHN C.
BOWERS, LLOYD W.	CULBERSON, CHARLES A.
BULLITT, WILLIAM M.	CALHOUN, WILLIAM J.
BUNN, C. W.	CARUSI, CHARLES F.
BENEDICT, W. S.	CHANAY, JOHN C.
BROWN, CHAPIN.	CLANCY, FRANK W.
BUTLER, CHARLES HENRY.	CARSON, HAMPTON L.
BACON, A. O.	CHANDLER, JEFFERSON.
BALLINGER, RICHARD A.	CHURCH, MELVILLE.
BEALE, WILLIAM G.	COLE, CHARLES C.
BOYLE, ST. JOHN.	COWEN, JOHN K.
BURTON, SENATOR.	CHAPMAN, JOHN S.

CARUSI, EUGENE.	EDMONSTON, W. E.
CHAMBERS, FRANCIS T.	EDSON, JOSEPH R.
CLARK, CHARLES A.	EVARTS, MAXWELL.
COUDERT, FREDERIC R., JR.	FAULKNER, CHARLES J.
COLDREN, FRED. G.	FROST, THOMAS G.
COLBERT, M. J.	FISHER, ROBERT J.
CROSS, E. J. D.	FARRAR, EDGAR H.
CLEVELAND, HARLAN.	FREEDLEY, A. T.
CARTER, THOS. H.	FAIRBANKS, C. W.
DAVIS, HENRY E.	FRAILEY, CHARLES L.
DICKINSON, DON M.	FINKELNBURG, G. A.
DUVALL, ANDREW B.	FLANNERY, JOHN SPALDING.
DYE, JOHN T.	FOSTER, ROGER.
DALE, RICHARD C.	GARBER, JOHN.
DAVIDGE, WALTER D.	GREEN, W. W.
DAY, WILLIAM A.	GREGORY, S. S.
DICKINSON, J. M.	GANS, EDGAR H.
DICKSON, SAMUEL.	GUTHRIE, WILLIAM D.
DILLON, JOHN F.	GREENE, CHARLES J.
DOS PASSOS, JOHN R.	HOPKINS, ARCHIBALD.
DUNLOP, G. THOMAS.	HAGERMAN, JAMES.
DENNIS, WILLIAM HENRY.	HALE, WILLIAM E.
DUDLEY, W. W.	HAMILTON, GEORGE E.
DOVENER, B. B.	HOEHLING, A. A., JR.
DONALDSON, JOHN J.	HARLAN, JOHN MAYNARD.
ELLIOT, EDWARD C.	HART, ALPHONSO.
ELKINS, SENATOR.	HAYDEN, JAMES H.

HORNBLOWER, WILLIAM B.	KEASBEY, EDWARD Q.
HOYT, HENRY M.	KIRLIN, J. PARKER.
HUBBARD, THOMAS H.	KING, GEORGE A.
HARR, WILLIAM RICHARD.	LARNER, JOHN B.
HELM, JAMES P.	LEE, BENJAMIN F.
HERBERT, HILARY A.	LEE, BLAIR.
HACKETT, FRANK W.	LAROCQUE, JOSEPH, JR.
HENDERSON, WILLIAM A.	LEWIS, BENJ. F.
HERRICK, JOHN J.	LEWIS, JOHN H.
HILL, LYSANDER.	LEWIS, J. HAMILTON.
HEALD, JOHN C.	LAMBERT, TALLMADGE A.
HENDRICK, WILLIAM J.	LEIGHTON, BENJAMIN F.
HOOE, JAMES C.	LITTLEFIELD, C. E.
HITCHCOCK, FRANK H.	LOGAN, WALTER S.
HOUGH, WARWICK M.	LOVETT, ROBERT S.
HEMPHILL, JOHN J.	LAUTERBACH, EDWARD.
HARLAN, JAMES S.	LINDLEY, CURTIS H.
HUTCHINSON, JOSEPH.	MILLER, HUGH GORDON.
HUGHES, ROBERT M.	MOOT, ADELBERT.
JENKINS, JOHN J.	MCGILL, J. NOTA.
JAQUITH, H. J.	McCAMMON, JOSEPH K.
JAY, WILLIAM.	McCOMAS, SENATOR.
JOHNSON, WILLIAM G.	MAURO, PHILIP.
JOHNSON, JOHN G.	MAXWELL, LAWRENCE, JR.
JOLINE, ADRIAN H.	MORGAN, C. E., JR.
KELLOGG, FRANK B.	MATTINGLY, WILLIAM F.
KNAPP, MARTIN A.	MCINTOSH, J. R.

MORGAN, SENATOR.
McGOWAN, J. H.
MYERS, T. PERCY.
MASON, WILLIAM E.
McGEE, WILLIAM J.
MITCHELL, SENATOR.
MICHENER, L. T.
McKENNEY, WILLIAM A.
MADDOX, SAMUEL.
McKENNEY, F. D.
NEEDHAM, CHARLES W.
OLMSTED, MARLIN E.
O'CONNELL, MAURICE D.
OLDHAM, F. F.
OLNEY, RICHARD.
OUTCALT, MILLER.
OWEN, R. L.
PEARRE, GEORGE A.
PRICE, CHARLES.
PRICE, GEORGE E.
PECK, GEORGE R.
PETER, ARTHUR.
PARKER, R. WAYNE.
PECKHAM, WHEELER H.
PEPPER, G. W.
PICKENS, SAMUEL O.
PLATT, O. H., SENATOR.
PRICHARD, FRANK P.
PAIGE, EDWARD W.
PARKINSON, ROBERT H.
PAYNE, JOHN BARTON.
PILLSBURY, ALBERT E.
PERRY, R. ROSS, JR.
PIRTLE, JAMES S.
PUTNEY, W. B.
PARSONS, JOHN E.
PHELPS, CHARLES E.
PRADT, LOUIS A.
RICHARDS, SOLICITOR-GENERAL.
REED, THOMAS B.
RUNNELLS, JOHN SUMNER.
ROSE, U. M.
ROWLEY, CLARENCE W.
RUDD, CHANNING.
RUSSELL, CHARLES W.
RAWLE, FRANCIS.
ROSENTHAL, JULIUS.
RUSSELL, W. HEPBURN.
RALSTON, J. H.
REYNOLDS, M. G.
RIDOUT, JOHN.
ROBESON, WILLIAM H.
STOCKBRIDGE, HENRY.
SINGLETON, W. H.

SEARLE, CHARLES P.	WHITNEY, EDWARD B.
SEYMORE, H. A.	WILLARD, GEORGE.
SELDEN, JOHN.	WILLSON, AUGUSTUS E.
SUTHERLAND, GEORGE.	WARRINGTON, J. W.
SANDERS, D. W.	WILSON, THOMAS.
SPRINGER, W. M.	WOLF, SIMON.
SNOW, ALPHEUS H.	WARD, HENRY M.
STILES, MAYNARD F.	WARD, J. LANGDON.
SHORT, EDWARD LYMAN.	WHYTE, WILLIAM PINKNEY.
THOMAS, CHARLES W.	WALKER, EDWIN.
TOBRINER, LEON.	WARE, E. S.
TRABUE, EDMUND F.	WEBSTER, WM. GRANT.
TROUP, JAMES O.	WILEY, A. A.
TUCKER, CHARLES COWLES.	WILLIAMS, MASON.
THOMAS, EDWARD H.	WILSON, NATHANIEL.
THURSTON, JOHN M.	WINSLOW, WILLIAM BEVERLY.
THACHER, THOMAS.	WORTHINGTON, A. S.
THOMAS, C. S.	WEBSTER, JOHN LEE.
VAN DEVANTER, WILLIS.	WATSON, D. T.
WATERS, ASA W.	WRIGHT, LUKE E.

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shall be Bar of the Supreme Court
ates to Mr. Justice John
NAME OF BORROWER.

